

BOSTON PUBLIC LIBRARY



3 9999 08653 755 0

Accessions

428.199

Shelf No.

7576.22



Received Mar. 21, 1889.

[illegible][illegible][illegible][illegible]

Compliments of
Edward P. Brown.

ARGUMENT

OF

EDWARD P. BROWN, ESQ.,

BEFORE THE

COMMITTEE ON PUBLIC CHARITABLE INSTITUTIONS, IN
THE MATTER OF THE CHARGES OF MISMANAGEMENT
OF THE STATE ALMSHOUSE AT TEWKSBURY.

MASSACHUSETTS LEGISLATURE,
1883.

DELIVERED JULY 13TH.

BOSTON:

WRIGHT & POTTER PRINTING CO., STATE PRINTERS,
18 POST OFFICE SQUARE.

1883.

ARGUMENT

OF

EDWARD P. BROWN, ESQ.,

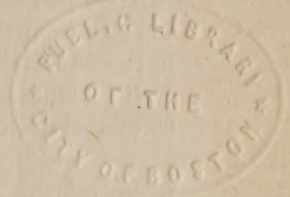
BEFORE THE

COMMITTEE ON PUBLIC CHARITABLE INSTITUTIONS, IN
THE MATTER OF THE CHARGES OF MISMANAGEMENT
OF THE STATE ALMSHOUSE AT TEWKSBURY.

MASSACHUSETTS LEGISLATURE,
1883.

DELIVERED JULY 13TH.

BOSTON:
WRIGHT & POTTER PRINTING CO., STATE PRINTERS,
18 POST OFFICE SQUARE.
1883.



SIXTY-FOURTH HEARING.

FRIDAY, July 13.

The committee met in the Green Room at 9.30 A. M., Senator LORING of Worcester in the chair.

The CHAIRMAN. By vote of the committee, three hours have been assigned to arguments of counsel on either side. We will call it now ten minutes of 10. All present will see the propriety of abstaining from any demonstrations of approbation or disapprobation. Mr. Brown, you may proceed.

ARGUMENT OF EDWARD P. BROWN, Esq., FOR THE DEFENCE.

Mr. Chairman and Gentlemen: After the lapse of four months, during which time you have devoted a vast amount of labor to the investigation of one of our public charitable institutions, we come this morning to the close. I should be false to my own feelings, and do an act of injustice to the committee, if I should fail now to thank them for the patient attention, and the careful consideration, which they have given to this investigation. I must thank you, and each of you personally, for the great courtesy with which you have treated me and the very great attention which you have always given to such matters as it has been my duty to present to you.

The first public act in this investigation which bears directly upon the source from which it grew, was the address of His Excellency, found in Senate Document No. 1, in which His Excellency made certain charges against this institution, charges of general mismanagement, charges that the officers of this in-

stitution had sold at public sale certain bodies of the dead of the Commonwealth. That there may be no misunderstanding in regard to this, I desire to call the attention of the committee to the language used by His Excellency, as printed upon page 65 of that document: —

“Have there not been scandals, public and well known, for years in that institution? Was it not charged, and never denied, that, for years, of the infants born in or sent to that institution, more than ninety per cent. died as such? All of these did not fill an infant pauper's grave, even; for it can be shown that from one hundred and fifty to two hundred and fifty infant corpses were annually sold as merchandise to a single medical institution in the State, for from three to five dollars each. Many, if not all, came from thence, besides large numbers of bodies of pauper adults, furnished for other medical purposes, and sold as merchandise for very considerable sums; and that done secretly, and not under and in accordance with the provisions of the law, which, under certain safeguards, permit almshouses to furnish the unclaimed bodies of deceased paupers for dissecting purposes to surgeons and medical schools, according to the decent and humane provision of the statute. Was this not in testimony before a grand jury? Has it not been publicly known? What record has the State of these dead infant children, to whom it took the place of parent? What account, even, has ever been returned of the price of this merchandise of the Ghouls? What record of birth or death or burial-place, by which such bodies could be identified or classified?”

Such, Mr. Chairman and gentlemen, were the charge upon this branch of the subject. His Excellency put into that address other charges in regard to the management of this institution. It was done at the opening of the session of the legislature of this year. This address, delivered by His Excellency in accordance with a time-honored custom, was published at the State's expense, and several thousand copies circulated; it was telegraphed by the Associated Press to all parts of the country, and printed in the public journals of the day. It found its way into the leading journals of the great metropolises of England and the continent. Not satisfied with that, gentlemen, His Excellency took occasion, as we are informed, to publish several thousand additional copies, which were sent to friends with this polite endorsement, “With the Compliments of the Author, Published at his own expense.” So that we have before us the governor of the Commonwealth accusing the people of the Commonwealth and the officers of this institu-

tion with mismanagement, desecrating the dead, and embezzling the money which was received from the disposition of the bodies of the dead. It is in vain, gentlemen, that His Excellency will say in any official document that he is not the accuser. He is the *author* of the accusation. It is in vain, gentlemen, that he tells you he is not the prosecutor in this case. From the beginning to the end of this investigation, he has given to it all that great talent, that great ingenuity, that remarkable perseverance, the full strength and vigor of that remarkable constitution which, for forty years, have given him a reputation as an advocate—not local, but national. Mr. Chairman and gentlemen, that distinguished criminal lawyer, Mr. Gale, could not be trusted in this emergency. He was present here but a day, and His Excellency announced that no counsel could be put into this case. So important was the issue to him, so stupendous were the consequences which, in his judgment, were likely to follow a failure in this case, that it could not be entrusted to any other human being in the Commonwealth with a professional education.

The people of this Commonwealth looked on in wonder and amazement. The party press, the press of that party that had been chiefly responsible for the administration of the government, started back surprised, astonished, bewildered; all demanded—men, women, and children throughout this Commonwealth demanded—of their representatives, that if that condition of things existed, this legislature,—you, the men elected upon the same ballot with His Excellency, should investigate this case and should *stay* here until its conclusion. An indignant people—and if the charges were true, the people had a right to be indignant—demanded that the accuser should *prove* the accusation or *retire*; and the legislature of Massachusetts, according to the forms of law, selected you eleven gentlemen, members of the Senate and of the House, as the committee on public charitable institutions, and charged you, on the 7th of February last, with the duty of investigating the present management—I desire to call the attention of the committee to the language of the order—the present management of the public institutions of the State, including the state almshouse at Tewksbury. What passed between the 7th of February and the 30th of March I leave to the consideration of the committee. I leave the committee to vindicate themselves against any charge of unreasonable delay which took place between the

7th of February and the 30th of March. On the 30th of March the committee met for its first hearing. I appeared as counsel for the trustees and the superintendent.

The CHAIRMAN. The 29th of March, Mr. Brown.

Mr. BROWN. The 29th of March. At that time, Mr. Chairman and gentlemen — and it is important that I now call your attention to it — I asked in behalf of my clients that the charges against this institution should be reduced to writing. His Excellency objected. There was a considerable discussion, which will be found in the first ten pages of the record, but it was finally concluded, and consented to by His Excellency and all parties concerned, that the accusations were in writing, and that they were contained in Senate Document No. 1, the address of His Excellency; and thereupon, that agreement, in substance, having been entered upon the record, we proceeded with the investigation.

Now, gentlemen, I desire to call your attention to this institution which we were called upon to investigate at that time. It was established under the law of this Commonwealth in 1852. The buildings known as the main building were built then. Subsequently, on the 22d day of June, 1858, Thomas J. Marsh, Sr., the superintendent, was appointed. He went to the institution, and remained there twenty-five years lacking a single day. During that time Mr. Marsh had the entire administration not only of the funds appropriated by the legislature for the running of the institution, but he had the entire management of its inmates, the control and supervision of the construction of all the buildings that have been erected since that time and of the repairs which have been made, of course, always subject to the direction and control of the inspectors or trustees, whichever existed at any given time under the provisions of the statute.

During the first fourteen weeks of his experience there were admitted to that institution 779 persons. In each year from that to the first of October, 1882, there were admitted a large number of persons, the largest number being, I think, 3,197, in the year 1877. But in no year was there a less number admitted than in the first fourteen weeks; to wit, 779. The total admissions from the 22d of June, 1858, to the first day of October, 1882, were 57,057; and by a hasty examination of the register from the 1st of October, 1882, down to the time when Mr. Marsh left, there were others admitted, in the neighborhood

Gov. BUTLER. Is that from the report published in the papers?

Mr. BROWN. No, sir; I have a copy taken from the report itself.

Gov. BUTLER. I don't object to it in that way.

Mr. BROWN. I intend to read but a very small part of it. This lady proceeds: —

"I think I examined more than a hundred beds, including those in remote attic dormitories, where boys and men sleep, and the beds of the insane. On the night of my arrival, I took the keys of a matron, and visited a portion of the insane (fifty-two in all) without her, after they had retired. I found them in excellent condition, but with no change since the two preceding visits, when I carefully examined the insane. I found all beds everywhere in the institution satisfactory. I was assured by inmates of several years' standing, that the beds had always been changed — clean sheets, etc., whenever a new occupant was received; and all beds were changed once a week regularly, and oftener when necessary. To this point I gave much attention, and made inquiry of various inmates, with the same answer. The bath-tubs were in sufficient number and good order, just as I had previously found them, with water abundant, except that some tubs needed painting inside. Many patients were being bathed while I was there. This process I always find going on in large institutions much of the time, as different persons bathe on different days, to accommodate all. There is no common pool nor tank for bathing in the institution, and has not been for several years. Formerly they were common in large institutions, but have been given up in Massachusetts some years ago.

"There is no vermin in the institution, except sometimes stray bugs, liable to be brought in by inmates, as are also lice of the head and body both. There are cockroaches near the water-pipes, as I have often seen in hotels and private houses. To keep out vermin is one of the most difficult tasks in an almshouse, and is accomplished as well at Tewksbury as could be expected. All my information in regard to vermin I received from inmates. There are some rats seen now and then, as might be expected in a large group of buildings on a farm where they can come in from the fields in search of food; but, from inquiries of inmates, I thought no more than I have seen in almshouses proportionally. I found the old women and old men's wards very cheerful and comfortable, the occupants generally cheerful and contented, so far as human nature is contented in even luxurious surroundings. There are always some children in the almshouse, — a few with their mothers; others sent in from towns in the eastern part of the State, waiting transportation to Monson; also a number of children (perhaps twenty) afflicted with loathsome disease, or hopelessly idiotic. I found the sick children

of 2,000. So that for the purposes of this argument I shall say that during the period of his administration there were admitted to this institution about 60,000 persons.

Of that 60,000 persons, about 25,000 were born in Ireland; 12,774 were born in Massachusetts of foreign parents; 9,734 were born in England, Wales and Scotland, and from all other places, including those from Massachusetts, not born of foreign parents, the States of the Union and all other countries of the world, there were 13,214. So that, Mr. Chairman and gentlemen, this institution has received, during twenty-five years, from Ireland, from Scotland, from England and from Wales, more than fifty-seven per cent. of all the paupers that ever came within its walls.

There have been, during those twenty-five years, 5,928 deaths and 1,606 births. The average cost of running the institution was the least in the first fourteen weeks of Mr. Marsh's administration, when it was on an average eighty-seven cents per week per inmate. The highest cost of running the institution in any year was in 1882, when the average cost per week per inmate was \$2.09, a little more than \$1 less than was expended in the National Home for Disabled Soldiers at Dayton, Ohio, over which His Excellency for a series of years had the management and control. Of this vast aggregation of human beings in all the conditions and vicissitudes of life as seen in its lower walks, Thomas J. Marsh, Sr., had the management and control. He expended during that period upwards of two millions of dollars in buying clothing and food, in the disbursement of money for the construction of new buildings, and in the making of repairs; and all this, gentlemen, upon a salary of \$1,200 per annum at the outset, and subsequently it was increased, I think, to \$1,500, and afterwards \$1,800 per annum.

This institution, whose present management you were invited to investigate, was the subject of official investigation by the board of health, lunacy and charity immediately after the charges of His Excellency had been made public, and that board delegated one of its most intelligent, one of the most careful, one of the most conscientious women known in the Commonwealth, to perform that difficult and delicate duty. I shall be pardoned, Mr. Chairman and gentlemen, if I refer to an official communication made to that board by Mrs. Leonard, showing what was the result of her investigation.

receiving fairly good care; on the female side, very good care. There are no infants at Tewksbury without mothers, and, as is well known to the board, no foundlings since October, 1879; these all being boarded out in private families, with excellent results. In former times motherless infants fared badly here; because they were cared for by pauper women, ignorant and untrustworthy. In 1879 they ceased to be maintained at the almshouse. I saw a good many feeble, emaciated infants, born with nameless diseases, suffering for sins of parents.

"The men's hospital is a long brick building, divided by the dispensary into two wards,—sick and convalescent. There are three small rooms off the wards for special cases, two of which held six beds and one two beds. In eight of these beds were sick, insane or idiot men. A small partitioned space off the long or sick ward is used for cases of delirium tremens. I found seventy patients in the long ward, thirty-nine of whom were in bed, the rest able to sit up more or less. None of these are able-bodied. Two paid male attendants only are in charge of these men, many of whom are demented. In the short ward were forty-seven feeble men, three of whom were in bed, with one paid attendant. There has been of late a night watchman for the two wards, but not always; and the sick must have suffered when there was not. At present one attendant has just been dismissed, and his place is unfilled. For these one hundred and seventeen sick and feeble men, three attendants, with such help as can be had from patients, do all the work; cleaning the floors, utensils, etc.; bathing the patients, washing and bandaging sores, poulticing, giving medicine, food, etc. Any person accustomed to sick nursing can see how inadequate is the number of attendants, and how difficult it must be to secure persons to do so much work for the most repulsive subjects of disease and dementia.

"The male attendants were spoken of well by some patients; by some, of long term in hospital, with praise. Two men, apparently credible persons, gave me instances of attendants striking and roughly using sick men. One of these patients said that attendants had a hard time sometimes with delirium-tremens patients, who were very dangerous and difficult to handle. In my opinion, these two wards cannot have proper care without six paid attendants, four for day and two for night; nor would any of our good hospitals probably get along with even that number of nurses. First-class men cannot be had for this position, even at twenty-five or twenty-six dollars per month, which is what they are paid. No attendant should ever be permitted to be unkind to a patient, much less to strike or abuse one which is horrible to contemplate. But when cheap and insufficient attendants are demanded, we must put up with what we can get, as housekeepers sometimes must with faulty domestics. The surest

way to prevent abuse is to have competent men in charge, and enough of them. The appropriation does not permit this."

Gov. BUTLER. I want to say that that document has not been put in evidence. I have had no opportunity to meet or object to it, and I think it is not proper to argue upon it. But I have not objected to it, because, it serves his purpose, and has been printed as a campaign document and sent all over the State.

The CHAIRMAN. There is an agreement that all official documents might be referred to.

Gov. BUTLER. I haven't seen any official document.

Mr. BROWN. If the record of the board of health, lunacy and charity is examined, the document may be found upon it.

Gov. BUTLER. That is, after this investigation began, the board of health, lunacy and charity sent a woman to investigate it. If Mr. Brown prefers to read her speech I don't object. I would as lief hear him read her speech as make one himself. However, I don't object.

Mr. BROWN. Now, that is the institution, and this is the view taken of it by a conscientious woman, who had no motive under heaven except to do her duty. Ineligible to any office in this Commonwealth, she may be supposed to have no political bias.

Against this institution His Excellency charged with seventy-eight witnesses, and I ask your attention now, gentlemen, to an analysis of that evidence. Twelve of those witnesses, Dr. Edward Bacon, John Bacon, James Doherty, Dr. R. H. Faunce, Thomas Hill, John F. McGovern, John Malloy, Christian Muller, William Muller, John T. White, Mitchell Wing and Thomas Reddy, were called by His Excellency to prove that certain skins of human beings had been tanned. Dr. Bacon testified (page 1007) that between 1875 and 1878 he took two pieces of human skin from the dissecting-room at Harvard medical college to a tannery at Woburn — one white and one colored — where they were tanned; that no one at the college, except the students, knew anything about it. His father (page 1037) testified: "My son brought what was said to be human skin to Bishop's tannery, where it was tanned. It was a sort of concealed transaction; neither of the firm knew anything about it." James Doherty testified that he worked at Bishop's tannery since 1876; saw this human skin there; part of it black and part of it white. "I limed it," &c. John Malloy

testified that he also worked at Bishop's tannery; saw two pieces of skin, said to be human; tanned them, and gave them to Dr. Edward Bacon's father. Thomas Reddy testified that he worked in Bishop's tannery; saw these skins in the beam-house, one white and one black; "I skived them." Thomas Hill testified that he lived in Woburn; that Mr. Bancroft, of the firm of Eustace, Cummings & Co., gave him this piece of negro skin tanned; Bancroft told him it was a negro skin, and tanned at his tannery. John F. McGovern testified that he worked for Cummings & Bancroft; tanned a piece of negro skin at their tannery; that W. F. Morrison brought it to him, and said he brought it from Harvard, and it came from Tewksbury. Where is Morrison? Why isn't Morrison produced, if he knew where that skin came from? But it is left with you to say whether this employee shall be permitted to state what somebody told him as to where that skin came from. William Muller testified that he and his two brothers, Christian and Henry, were tanners at Cambridge; within a year and a half some parts of human skin came to our tannery and were tanned; one a negro's and the other a white man's; there was also brought some, five weeks ago, which my brother refused to take; he could not identify the piece of leather shown him. Christian Muller testified that he was a tanner; that some five or six weeks ago some human skin was brought there, and refused to tan it; a medical student brought the skins — "he said he was" — didn't know where he came from; he identified the skin with a shoe-vamp cut from it; received no pay for tanning it. Dr. R. H. Faunce testified that he procured a piece of human skin to be tanned from the dissecting-room at Harvard Medical School in November, 1881; "during the three years he was there he says he never saw any other skins taken by the students." John T. White, a member of the district police, testified that he procured one of these skins at Weymouth.

Thus we have four instances of the tanning of human skins during the 25 years in which Mr. Marsh has administered the affairs of this institution, during which time upwards of 6,000 persons have died at this institution, and during the last nine years of which 585 bodies have been sent from this institution, and only a small part to Harvard. Why, upon this evidence the argument, Mr. Chairman, that any human skin from Tewksbury was ever tanned, is as absurd and ridiculous as it would be to say that because the Jews once stoned a man in Jerusalem and a man

from Tewksbury was once in Jerusalem, therefore the man from Tewksbury was *the* man who was stoned. And not only that, but there isn't a pretence that anybody in Tewksbury ever knew it; not a pretence that any officer of the Harvard medical college ever knew it — it never came to the attention of the faculty. I called the officers of that institution, a large number of them, whose services covered a series of years, demonstrators of anatomy who had the handling of these bodies and the management of the dissecting-room, and not a single one ever knew that pieces of human skin had been taken from the institution for the purpose of being tanned. Two of the governor's own witnesses testified that it was a concealed transaction; one of them testified at length that during the three years he was at the institution he understood perfectly well that if any part of a human body was taken from that dissecting-room without leave of the officers, the student who took it would be the subject of severe censure.

But His Excellency goes one step further. He says that this institution at Tewksbury has been mismanaged, because the bodies delivered to the Harvard medical college have not been treated with proper respect. For that purpose he called Dr. Dean, whose testimony is upon page 326; Dr. Dixwell, whose testimony is upon page 9; and Dr. West, whose testimony is upon page 617. Dr. Dean was at the institution in November, 1858, and his testimony applied to the then condition of things. He said the small pieces of human skin and flesh taken off in the process of dissection were put into pails, and the contents of the pails subsequently were delivered into a sort of cistern. His Excellency undertook to say that those parts of the human body, thus put into the cistern, were subject to be fed upon by eels and lobsters. Nothing was ever more absurd in the world. We called the officers of the institution for the purpose of showing that nothing could get in or out of the cistern except the water which percolated through the strata of solid brick. Dr. West was a disappointment to His Excellency, for he says upon page 617, that everything in regard to the disposition of the parts of the human body at Harvard Medical School when he was there was conducted with all the propriety and decency with which such a thing could possibly be conducted. There is only one witness remaining, and that is Dr. Dixwell.

Dr. Dixwell testified to a condition of things so absurd that his testimony fell of its own weight. I venture the assertion

that not an intelligent man in the whole community ever believed that Dr. Dixwell told that which was true. His testimony was grossly exaggerated, either because he was mentally incapable of appreciating the truth, or because he wilfully and deliberately lied. To meet the testimony of Dr. Dixwell I called Dr. Wm. L. Richardson, who denied that during the period that Dr. Dixwell stayed at the Harvard Medical School there was any such condition of things as he represented; he denied that that there were any bodies of children in that institution during that period except those which he described as monstrosities (page 1203). Dr. Richard M. Hodges also denied that condition of things; he was familiar with the institution as one of its professors (page 1207). Dr. John Foster Bush was a class-mate of Dr. Dixwell and dissected with him in the dissecting-room; was familiar with his personal history, and they were comrades together in the pursuit of their studies, and he had an opportunity of knowing what Dr. Dixwell did; he denies that there were any babies at the institution at that time, except one which he found up in the museum department preserved in alcohol (page 1220). Dr. Charles Burnham Porter, who was also a demonstrator of anatomy during a long time, denies that there were any babies there except monstrosities and those preserved in alcohol, and he further denies the statement of Dr. Dixwell that during the period when Dr. Dixwell was at the medical school there was any dissection of animals allowed at the institution, or any mingling of the remains of animals with those of human beings (pages 1230 and 1307). Dr. Dunn denies the statement in regard to children, and further testified that Dr. Dixwell was of unsound mind; that it was generally known and understood and believed that his eccentricities were due entirely to the fact that his mind was diseased; he had associated with him, been his intimate personal friend, and regretted exceedingly to be called upon to make such a statement. Dr. James A. Fleming also denied the statement that there were babies there at the time Dixwell spoke of. Dr. Edward H. Bradford denied the statement in regard to babies; he also said that Dixwell's friends had observed for a series of years that he was erratic in his manner, that his costume was peculiar, that he had also made extravagant statements in regard to the school ma'ams of Boston (pages 1330, 1340, 1341, 1342); and he also stated that among Dixwell's friends and relatives his reputation for truth and veracity was bad. Dr. Shattuck, another distin-

guished member of the profession, testified that he knew Dixwell and his friends, that his reputation for truth and veracity was bad, that the condition of his mind and his apparent disregard of truth and his disposition to make exaggerated statements was the subject of frequent comment. Dr. Charles F. Folsom, a man known throughout the United States as an eminent scientist; at one time an officer of the old state board of health, and at another time under the new; a man who enjoys a reputation not only in this country, but in England, testified that he knew Dixwell perfectly well, was familiar with his friends, knew his uncle, Dr. Bowditch, that his reputation for truth and veracity was not only bad, but his unsoundness of mind was very generally conceded (page 1380). Dr. Charles H. Williams denied the statement of Dixwell in regard to the number of babies at Harvard College (page 1422), and also testified that Dixwell's reputation for truth and veracity was bad.

Now, Mr. Chairman and gentlemen, everything turns upon this man Dixwell. If you believe Dixwell, then the remains of human beings and the remains of animals were mingled together in the dissecting-room, and buried in the same grave. His Excellency has undertaken to show that Dixwell was a man of truth and veracity. He has undertaken to show it by the testimony of several witnesses: one from Lynn who has seen him only three times since graduation; one witness interested in the collection of natural curiosities, in which subject Dr. Dixwell had also great interest, he had seen him frequently; and another witness, Mr. Hamilton, who had also seen Dixwell; and Wendell Phillips, who had seen him frequently. Those are the men who, as I remember, testified that they never heard his reputation for truth and veracity questioned. Now, of course, gentlemen, it is one thing to say that you know a man's reputation for truth and veracity is bad, because you have *heard it called* in question, and it is another thing to say that you *have never heard* it questioned. We are all here together, associated in the performance of an important duty. Fifty or a hundred persons in this room could tell you that I am addressing this committee; but there are a thousand persons walking on yonder street who do not see this performance. Their testimony that they didn't see it, or never heard me speak, isn't of the slightest consequence in the presence of the testimony of three persons in this room who are listening to my voice.

But, Mr. Chairman and gentlemen, why go to Lynn for a

witness to tell you who Dixwell is? Dixwell's father and mother were born here, and now live here; his uncle, Dr. Bowditch, is a distinguished, a heroic man; he has sisters here, several in number; brothers-in-law, distinguished members of the Suffolk bar, one wearing the ermine of a high judicial office in this Commonwealth. Why not call some one of them? Or, Mr. Chairman and gentlemen, have they been, during the last thirty days, pleading with His Excellency that Dixwell should remain unnoticed, so that his reputation should not be a matter of record to be handed down in an official document among the archives of this Commonwealth?

I call this to your careful attention, because when it is possible to bring in the men who have known Dixwell from childhood—and they are reputable—that is the best source to which you can resort; provided, always, that it is accessible. It was probably not the case here.

But I must not omit to call your attention to the testimony of Mr. Frothingham, a witness for His Excellency. He said Dixwell was always making exaggerated statements, and *had been* for years,—he had noticed it in his management of the affairs of the Russian Jews, and that he had heard a gentleman well known in this city, a Hebrew, a Mr. Hecht, say the same thing—that Dixwell's conduct was constantly disappointing him; that he was constantly disobeying orders. So much for Dixwell.

I come now to the next subject—acts of cruelty committed at this institution. The testimony upon this subject is from three classes of witnesses: *first*, persons outside of the institution; *second*, the attendants who have served at the institution; and *third*, inmates. Of those persons outside of the institution, who have visited it, out of the fourteen thousand and odd names upon the register, His Excellency has produced seven. And you want to remember that Capt. Marsh stated to you that that register did not contain more than a quarter of the names of the persons who had visited it; and yet there are nearly fifteen thousand names. It commenced to be kept in 1863. Seven persons were called out of (in the neighborhood of) sixty thousand who have been there. John Carver and his estimable wife, I take first. He had a peculiar story to tell; it interested him, and I have no doubt it interested the committee. On one beautiful night there was a sweet child left at his house, upon the doorstep. The child was of

fair face, small features, handsome, and, as Mrs. Carver said, it had one of the characteristics of her own family,—small bones. They took it and kept it a few days without even thinking what possibly might be the relationship, and then they took it to Tewksbury on the 19th of March, and on the 21st they went after it. Mrs. Carver had a revelation during those two or three days, and her heart went out to that child as it never had gone out before. Somehow or other, there was such a remarkable resemblance between that child and some of her own family, that her heart went out toward it, and her feet started out for Tewksbury. She arrived there. She found that the child, which had always been fed on one particular cow's milk on her farm at her house, had been nursed at the institution on another cow's milk of a different character or quality, and the child got sick.

There were other influences not within the control of the officers—such as a large number of children confined in one room, cared for, the most part, by pauper attendants; a lack of proper nursing rendered necessary by the fact that the people of this Commonwealth (and I shall come to that subject by and by) never fully opened their eyes to the great responsibility which rests upon them in the management of this institution, and have never given it the proper means or its officers the proper opportunity to do their duty. Well, that child wasn't well. She took it home and in a few days it got better; and the lady was frank enough to tell you that a change of milk, she had noticed in the management of her own children which she had reared, was sufficient to make a child sick, to cause vomiting and also some of the other symptoms she had heard attended this child during its stay at Tewksbury.

Another was Bridget Dolan. She had a husband and that husband was a cripple. They were short of means and that husband went to Tewksbury, and he liked Tewksbury so well that Bridget after that never had any fascination in her person that would prevent him from staying there.

Well, then, there was Mark Heathcote, who went to Tewksbury with a small child, and while he was in the institution, after he had left that child there, he observed at a distance, some twenty feet away, another child with something in its mouth which he thought was a cake of soap. That is all. He didn't inspect it to find out if it was soap. The occurrence didn't appeal to his sympathy and excite his anger; not at all.

He deliberately looked on and went away, and never told it except as an amusing incident, a pretty good joke, to somebody after he got to the police station at Salem that night, and then he made that mysterious entry in his diary which I want the committee to examine. If any man can say that those entries were not made at different times, with different pencils, then I am mistaken. I venture to say, gentlemen, that you cannot make a like exhibition with the same pencil if you should keep trying from sunrise to sunset. Gentlemen, that entry was made afterwards, and not, as he stated, with the same pencil. It wouldn't be possible.

Well, then came Johanna Ring. She had a little trouble, and Mr. Isaac Tully had a little trouble. I will pass them by for want of time. But the witness who was the most intelligent of all the outsiders was Dr. Tucker. He probably hadn't seen His Excellency for consultation, or he would not have been produced; but he had seen the institution and had gone all over it. The criticism of Dr. Tucker was that there wasn't a sufficient number of attendants upon the insane, and that there should be some means for engaging their attention, giving them diversion of one kind and another, during the hours of the day when they were not confined in the dormitory, or engaged in sleep. That is the substance of all his criticism—a gentleman charged by the government of Australia to come to this country to investigate the institutions for the treatment of the insane. He had travelled from one end of it to the other; and that is the only criticism he could make. He wasn't familiar with the diet, but he said the kitchen and all its utensils were thoroughly and properly cleansed, the beds and bedding were clean and there appeared to be a proper respect among all the inmates for the officers. He saw nothing to criticise in the discipline of the institution and made no criticism. He said it was the best managed institution of the kind he had seen in this country. So much for outsiders.

I come now to the inmates. These are ten in number; one six-thousandth of the entire number that have been in the institution since Mr. Marsh went there. I want to say in the outset, gentlemen, that if you have succeeded in supplying the wants and quieting five thousand nine hundred and ninety-nine complaints out of six thousand in your own family, you are then qualified to criticise Tewksbury. When you go home at the end of this session, if you find that you have satisfied

five thousand nine hundred and ninety-nine six-thousandths of your constituency, I venture the assertion that you will be returned here until you are too old to travel.

What are these complaints? Joseph Beebe is the first witness, a man known for years to be quarrelsome, mischievous, and fault-finding always. He is a widower, or rather, I should say, he and his wife are incompatible in temper and could not live together. He is loaded with the responsibility of maintaining an idiotic son; and as this son can be better provided for at Tewksbury than anywhere else he keeps him there, and when he is out of work himself he finds Tewksbury a very happy sanctuary to which to resort. He gives us instances of acts of cruelty (page 624); things done by Smith,—you saw Smith here,—and if there is anything in the face of that man Smith that would lead you to suspect he could be guilty of that act, you saw something which I didn't. Then there was Goodwin, who had another trouble (page 357); but I will not spend any time on that. Then there was Otto Holden (page 374). Hattie A. Jackson was not properly treated; she had too much work to do. Then there was that immaculate person, Cornelius H. O'Brien, concerning whom the record shows he was fourteen times indicted, convicted, and served his sentences or paid his fines. What an angel he was! Well, there was that woman, Catherine Powers, who in her own home was drunk a greater portion of her time, and allowed her own children, some of them begotten when she was drunk, and who inherited the peculiarities which might come from that condition of things—three or four of them idiots—whenever they were thrown upon her care to get lousy, and become covered with vermin, as appears from the testimony of the officer from Cambridge. She found fault. Margaret Terry was another one. Then that sweet saint, Abby E. Wheeler, who has been for the last fifteen years in all the public charitable institutions in the Commonwealth, I think. Then there was another one, Frank E. Haberlin; he hadn't received proper treatment, and he told you wherein that maltreatment consisted. I will not spend any time on his story. He was the man that served with Banks on Roanoke Island, and belonged to the 156th New York; and I should have proved he was a deserter if His Excellency had permitted me to put in the testimony.

The CHAIRMAN. I don't remember that you offered it.

Mr. BROWN. I offered his declaration to that effect.

The CHAIRMAN. I think you are outside of the record.

Gov. BUTLER. I don't object; I don't want you to, Mr. Chairman.

Mr. BROWN. Then there was Bowen. We all remember little Eva. She was a remarkable character, and had a remarkable history. When this investigation began, it found her leading an obscure life in a den of infamy in New York. Her friend — and everybody knows what *a prostitute's friend is* — wrote *to the governor*, and the *governor sent for Eva*. I can imagine the feelings of that remarkable creature, as she set out by rail from New York to come to Boston for an interview with His Excellency. She flattered herself that it would be the opportunity of her life. She had made up her mind to tell him her whole story. She told her story, and oftentimes she "would beguile him" of his "tears when" she "did relate some distressing stroke" her "youth had suffered." You know the rest. She went on, and her story being done, he told her he pitied her, and I presume he added, in the language of the poet:

"And yet" he "wished that heaven had made" him "such a (wo)-man."

She came here; she told her story. You will remember it; I will not recite it. Suffice it to say — of course I don't know anything about this; I only infer it — that when I got through with her, and His Excellency found out exactly what sort of a character she was, he must have said to himself: "Well, after forty years' experience in the profession in dealing with all kinds of characters, this is the first time ever any woman ever succeeded in capturing me by my own credulity." Why, she told His Excellency that the misfortune which came upon her in her youth was the result of an association with a distinguished member of the Suffolk bar, a man in high social position, that his name was the same as that of one of the early presidents of the United States. That is what she told him. But, unfortunately for her, she had several times made a declaration, and the State officer, Mr. Tripp, had reduced it to writing, and in the records of the board of health, lunacy and charity was found her declaration taken on the 28th day of July, in the year in which she was sent to Tewksbury, two days after her arrival there, in which she said that the father of her child was one Matthew Hearn, an artist on Hanover Street, who was so obscure that His Excellency hasn't been able to find him yet. I venture, Mr. Chairman and gentlemen, to say that the history of Massachu-

setts will never be written by the pens of the prostitutes who have left her borders; neither will the judgment of this committee ever be made up on the testimony of that syphilitic being, Eva Bowen.

I come now to the attendants. First are Mr. and Mrs. Barker. Mrs. Barker enjoyed the reputation of being a very jealous and quarrelsome woman. Whether she was jealous of her husband or not, the record doesn't show. But the significant fact in regard to their story is this: it chiefly relates to the methods of bathing; and the declaration of Mr. Barker that there were no individual bath-tubs in this institution, we showed to be absolutely false, because we exhibited the bills—and we have them here—showing the individual bath-tubs in that institution were bought and paid for, years before, when the building was erected—individual bath-tubs of iron, the same that are there now; and we have shown to you beyond all question that if there was any lack of proper bathing of the inmates it was because they, Barker and his wife, were too lazy to attend to their duty. The evidence is uncontradicted that in Barker's department he was charged with that duty, that it belonged to him and to nobody else; and it was further shown that no lack of attention on that subject was ever brought by him to any officer of the institution—never. What shall we say of the testimony of a man who says the inmates were bathed in water such as he described, when there was no necessity for anything except an individual bath in pure water? All you had to do was to turn the faucet; hot and cold water came in in some instances, in other instances the cold water came in and it was heated by steam. But if there was any lack of apparatus there, was the management of Tewksbury responsible? I will come to that by and by.

Now I come to Ananias Dudley, and Sapphira his wife, whose testimony appears upon pages 62 and 212. Mr. Dudley's record was that of a discharged attendant for drunkenness from the hospital in Maine. His record at Tewksbury, uncontradicted as it is, was that he invested in a croquet set to the neglect of other duty. That is not contradicted. See the testimony of Mr. Thomas Marsh, Sr.

Now, Dudley and his wife told the same story as Barker did in regard to the bathing, and Mr. Dudley denies, as Barker did, that there were individual bath-tubs. I got out of Mrs. Dudley a confession that there lingered

in her mind a faint recollection that there were one or two individual bath-tubs in the department over which she and her husband presided. He told you the story of the Barron woman, and the acts of cruelty to her; that he went there, inspected the quarters; found a woman who had been confined in a cell for years for aught he knew; she was emaciated, covered with vermin, her cell was besmeared with filth and excrement from the human body; he washed and cleaned her up, and cheered her up, so that in a short time she became so fat and so happy that her husband didn't recognize her. What is the fact, — the uncontradicted testimony of three witnesses who attended the Barron woman? That the man Dudley kept that woman in the same cell for four months after he went to the institution, fed by the same food and helped by the same woman, who is called an idiotic inmate, until she, the insane woman, was removed to another place, and was taken out from under his charge. There is no contradiction of any witness on that subject, not a syllable. *Ananias Dudley!*

Then Jennie Pope told you a remarkable story; that she was a helpmate in the kitchen of Capt. Marsh, and she, standing at her window one day, saw a woman kicked up the asphalt walk from the office to the insane department. Now, gentlemen, take the map and look; from that kitchen window her view was obstructed from the entire walk, and every walk that led to the insane department. She could only see about 20 feet of the end of the building, on her right side, on her right hand, which, at the time that occurrence was said to have taken place, had not been built. To-day you can only see about 20 feet of that end. The obstacle intervening is a large two-story building, with a basement, in which the office is located; and the only way you can account for her story is that she had the faculty of looking through four partition walls of a three-story building. So much for her.

Then we have that sweet-tempered creature, Agnes Calder. She was here yesterday. She swore that Dr. Lathrop wasn't at the institution when the affair took place which she related in her testimony, and yet the auditor's report for 1876, I think it is, recites, under the head of attendance, "Dr. Lathrop, from the 1st day of October, 1875," and that return to the auditor was upon the oath of Mr. Marsh, Sr., or it could never have got into that report. It was also certified by the board of in-

spectors. The record shows, (page 2006, I think it is,) that Dr. Lathrop testified that he went to that institution on the 1st day of October, 1875; and yet Calder swears, in the most positive way, — and I asked her to repeat it three times, so there might be no mistake about it, — that she left the institution six years ago the first day of July of this year. The record of the inspectors shows that on the 4th day of September, — eleven months lacking three days after Dr. Lathrop went there, — he made a report to the inspectors, showing that that very case which is now before you had been brought to their attention, and on his report to them, and upon their investigation, they declared that Agnes Calder had made a declaration that the facts related by her previous to that time, and *now repeated* here, were untrue. And yet she says that Dr. Lathrop wasn't in the institution. His Excellency gets out of it by saying that the statute which made him a resident physician had not been passed.

Then there was Mrs. Thomas. She went to the institution, remained there for a series of years. She complained of the care and management of the children. Her mind was profoundly imbued with the sacred trust she had in charge while she was there, and that deep sentiment never left her until she got on the witness-stand, when she delivered herself as follows: To a question of His Excellency — “By somebody's neglect the woman was found mangled by rats and found dead?” “Yes, sir; but *I would like to say a word about the butter that was made.*” The mangling of a human being by rats and the quality of the butter at the institution were so completely and irretrievably mixed up in her mind that she delivered her opinion of both in the same sentence. If she was as reliable in the story about the rats as she was in her statement about the butter you will know precisely how much weight to give to her testimony.

Miss Calder was discharged, Dudley and his wife were discharged, Dr. West was discharged. The only fact in Dr. West's testimony was in regard to the treatment of a woman in travail. I concluded, Mr. Chairman and gentlemen, after hearing the testimony of Dr. Lathrop upon that subject — it being always the first duty of the physician to save his patient, and that having been successfully accomplished — that his duty was performed; that it was done in a most creditable manner. He was placed in a difficult position. Dr. West had been by

the side of that woman from three o'clock in the afternoon until two or three o'clock in the morning; he had used every effort known to him for her delivery, and nothing had been accomplished. Dr. Lathrop undertook to perform the terrible duty, knowing and understanding as *we* now do, and as every physician understands in a peculiar manner, that his first duty always is to save the mother if possible. What he did was without injury to the mother, and she is now going about this Commonwealth rejoicing.

The CHAIRMAN. That isn't in the record.

Mr. BROWN. I beg pardon. She got well and I *presume* she is rejoicing.

Gov. BUTLER. I hope the chairman will not object.

Mr. BROWN. I suppose she is rejoicing if she is well, for that is supposed to be the normal condition of mankind.

Gov. BUTLER. I hope the committee will allow the gentleman to go on. I will object when my rights are infringed upon.

The CHAIRMAN. I do not think he should go outside of the record.

Mr. BROWN. Well, of these nine people out of the 250 attendants who have been there, four have been discharged. There are five who haven't any known grievance which the record shows. Five witnesses out of 250 possibly impartial, to tell what they remember. That is the most favorable criticism you can put upon their testimony.

But during this period the character of this institution was known to others beside its attendants. It had been visited, as I have shown, by a great many persons, commencing with 1861, when Gov. Andrew wrote that memorable letter dated the 25th day of December. The institution was well known to him. In that beautiful letter, addressed to those children, he called their attention to the remarkable opportunities which they, considering their condition in life, their circumstances and surroundings, had, not only for preserving their health, but for obtaining an education at the school which then existed at the institution. And he commends them, as he says, to *his kind friend, Captain Marsh*.

I said a little while ago that the lowest average expense in any week in this institution was eighty-seven cents per inmate, and that was the cost per week for each inmate for the year 1858, when Captain Marsh first took charge of the institution. The greatest cost in any year was in 1882, and then it was \$2.09. For-

tunately we have had brought into this case by His Excellency—and it is the only opportunity we have for making comparison, because to all the cases that I undertook to get in His Excellency objected; I supposed His Excellency was willing to allow the record of the National Home for Disabled Soldiers to be put in, for having had connection with that, he justly felt pride in its management—and I read from the record of the National Home, to which he referred us (report 45, page 4):—

The whole number supported or cared for during the year ending December 1st, 1870, at Dayton, Ohio, 2,101; at eastern branch, Augusta, Me., 719; at northwestern branch, Milwaukee, Wis., 798; at Soldiers' Home, Philadelphia, 451; out-door relief, 71; making a total of 4,194. Number treated in the hospital during the year, 1,667.

I want you to mark that, gentlemen: 1,667 out of 4,194,—in the neighborhood, in rough, of not quite 33 per cent. At Tewksbury, those requiring medical assistance, and in the hospital, numbered upwards of 50 per cent. In 1862 there were only two paid attendants at the institution. At present it is almost impossible to secure among the inmates, nearly a thousand in number, sufficient to wash the floors and do the menial service necessary to be done. Only one-third at the Soldiers' Home were treated in the hospital during the year. All the service and labor at the asylum are performed by the disabled soldiers, at prices from five to twenty-five dollars per month (the report says).

At the central asylum, there was a profit, from work done by the inmates, \$20,758.82. The asylum realizes from farms and gardens, \$29,297.28.

The cost of each inmate per annum at the several asylums was \$160.79—52 weeks in a year—in the neighborhood of \$3 a week, a little over \$3 a week. Compare that with \$2.09 at Tewksbury.

Gov. BUTLER. About \$3.08.

Mr. BROWN. Well, \$3.08. Compare that with \$2.09. In the one institution there were only 33 per cent. in the hospital, and in the other, more than 50 per cent. in the hospital, or disabled for labor. Compare also the difference in the cost. No free attendance except, perhaps, French Joe, who labored for his board and clothes, and Burns, *alias* Burnham, who got \$150 a year;—with those exceptions, no officer has appeared here who has received less than \$20 a month.

At the central asylums the cost of each inmate was \$160.79 per annum; at the eastern asylum, \$208.42, almost \$4 a week; at the north-western asylum, \$182.92; an average for the whole of \$184.04, or more than \$3 a week — about \$3.50 a week.

Gov. BUTLER. \$3.39 a week.

Mr. BROWN. Well, \$3.39 a week. Now, sir, I have no doubt that His Excellency administered the affairs of that institution with the same sagacity that he administered his own private affairs. I have no question but what His Excellency bears the same feeling toward the paupers, insane or sane, of this Commonwealth, that he bore to the disabled soldiers. I think the misfortunes of the citizens of this Commonwealth are not to be estimated for the purpose of punishing one for the deficiency, or rewarding one for the success. But when His Excellency comes to his argument, I want him to tell you why should not the paupers, the unfortunate poor, sane and insane, of this Commonwealth, be treated with the same degree of kindness, and have the same facilities for amusing themselves, and surrounding themselves with comforts; and why should not they be provided with the same delicious and nutritious diet, as was furnished to the soldiers at Dayton and elsewhere? I would like him to answer that question.

I cannot stop, Mr. Chairman and gentlemen, to go over all the criticisms which have been made upon the management of this institution. I take those which stand out most conspicuously in my mind as requiring my attention. One of the criticisms made by His Excellency is in regard to the expenditure for flowers and bulbs. You recollect Capt. Marsh told you what interest those insane women took in the little patches, the little flower gardens that may now be seen under the windows of the insane building; how from the time he went to the institution up to the time when he was removed he undertook to make that little terra plain within the walls of these buildings a paradise, dotted all over with flowers and shrubs and trees. In the centre there stood the conservatory, about twenty feet square, in which these flowers and bulbs and trees were housed in winter, in order that they might be preserved for the succeeding summer. His Excellency thought that those poor people should not have the benefit of any flowers; that God's free gifts, which dot every field and every meadow, which beautify every tree and every shrub, should not be enjoyed by the insane women and poor decrepit men who hobble about that

institution, up and down the walks, but are unable to go outside and see the beautiful fields. There should be no flowers there. Wouldn't it be better, he says, "that the expense of supporting that conservatory should be expended in furnishing food or other things to these poor inmates?" Well, gentlemen, I have not any criticism to make upon that remark *but this* — I want to quote from the 12th chapter of John, the only instance of a similar expression of malevolence that I have heard in my life. Fortunately for the human race, it was eighteen hundred years ago and upwards. The thing does not occur except about once in nineteen hundred years. I read:

"Then Jesus, six days before the passover came to Bethany, where Lazarus was which had been dead, whom he raised from the dead.

"There they made him a supper; and Martha served: but Lazarus was one of them that sat at the table with him.

"Then took Mary a pound of ointment of spikenard, very costly, and anointed the feet of Jesus, and wiped his feet with her hair; and the house was filled with the odour of the ointment.

"Then saith one of his disciples, Judas Iscariot, Simon's son, which should betray him,

"Why was not this ointment sold for three hundred pence, and given to the poor?"

Now, gentlemen, I come to another topic which requires my attention; that is the matter of the foundlings. I undertook, because I thought we should be benefited by the information—to show you what experience other institutions had had in this country, and that was excluded. We are now left simply and solely upon the evidence which has been produced here. The register of deaths, the reports of the institution made from year to year, I presume correctly and accurately set forth the alarming extent to which these infants died. We have no disposition to deny a single fact. We have no disposition to undertake to get rid of the responsibility of that fearful mortality. But I say to you, gentlemen, that from the beginning to the end of the foundling experience, in this country or Europe you will not find an institution situated similarly to that in Tewksbury. Not another institution has ever been heard of—and I challenge contradiction—where the foundlings were selected as Mrs. Spear, I think it was, the matron of the Chardon Street Home, stated. She selected only those that she believed could not live, and she

sent them to Tewksbury. Of all the diseases that flesh is heir to,—syphilis, scrofula, everything known in the whole category of diseases,—these children had, some one, some all. It was an extraordinary thing to find a healthy one.

Mrs. Spear said in the first place that many of them, very many of them, a large percentage of them, when they came to the hospital at Chardon Street showed indications that they had been drugged; many of them had syphilis; many of them indicated that they had not been properly nourished; some of them died in the arms of the officers as they went up the stairs of the institution to put them in a place of quiet and rest; others died on the way to Tewksbury; some one or two of them on the train; and, in one instance, when the shawl was unfolded in the hospital at Tewksbury, the child was found to be dead. Well, His Excellency, seeing the predicament in which his cause was placed, thought he would reinforce himself by some evidence in rebuttal. He called Mrs. Lydia Warner. No. 52,261 is the register number of Willie Marshall, who was two years old, born in Boston, sent to Tewksbury from Boston, as the record shows; under “disease or condition,” “well.”

Gov. BUTLER. What date?

Mr. BROWN. Went to the institution on the 14th day of June, 1877; discharged on the 14th day of June, 1877; and under the head “Remarks,” entered “nominal admission.” [Producing a certificate.] Here, from a public record, is another declaration upon the same subject: 55,261, Boston, June 14—

Gov. BUTLER. Let me see that, will you? I have never seen it. [Receiving the certificate.] This don't seem to be any public record. Send down and get Mr. Wrightington's record. I object. This is not certified by anybody.

Mr. BROWN. Well, if it is objected to, I don't propose to have any controversy with His Excellency.

The CHAIRMAN. If this is not in,—if it is in Mr. Wrightington's book, bring up the book.

Gov. BUTLER. It is in Wrightington's book of history.

Mr. BROWN. So that that record, from which Mrs. Warner took the name to show that that infant had been there fourteen days, shows that it never was there a day; if it ever got there after sunrise it departed before sunset. So much for Mrs. Warner until the other paper comes. Then I call the attention of His Excellency to the discharge-book, which is a matter of

public record, open here in this case from beginning to end, in which he will find the particulars stated substantially as contained in the certificate, that that child, for a certain purpose, was to be credited to Tewksbury in order to bring it under a provision of law which enabled them to take it out of Tewksbury and put it into the hands of Mrs. Warner, who is registered on that book as living here in Boston, with the name of the street given. The fact is, I infer, that the child never went out of Boston, never was in the institution; and when Mrs. Warner said it was there fourteen days, she probably saw the date 14th of June, and imagined that meant fourteen days.

Gov. BUTLER. She said she took it herself from Tewksbury.

Mr. BROWN. I know she did. And there is her receipt for the child, given here in Boston. I don't care what she said; the record contradicts her. She said she looked at that record and saw that the child had been in the institution.

Gov. BUTLER. And she has never said any such a thing.

Mr. BROWN. I beg pardon.

Gov. BUTLER. I beg pardon.

Mr. BROWN. She said the child was there fourteen days and she went after it.

Gov. BUTLER. I apologize.

The CHAIRMAN. The record will show.

Mr. BROWN. When the record shows that the child was never there a day; if it was ever there it was discharged on the same day.

Gov. BUTLER. I ought not to have interrupted, sir; I apologize for doing it.

Mr. BROWN. Now I come to another subject, and that is the subject of the books. And, when you come to consider that, I want you to place at the very head of your report the declaration of His Excellency, and also of Mr. Fairbanks,—if you see fit to quote Mr. Fairbanks; if you place any confidence in him—the declaration of His Excellency, quote it, please; put it in quotation marks, and say, Book so and so, statement of Governor Butler,—that this set of books is the most accurate he ever saw, and “the most free from blots and erasures.” Now, this accurate set of books was the subject of criticism by Mr. Fairbanks. We have here a statement on the record which was prepared by Mr. Fairbanks, for the purpose of showing that the management of this institution were feeding a large number of people whose names were borne upon the register and were

not there; and in that way, the average price per week was to be materially enlarged.

"Number 52, 261." [Referring to a book of records.] This is the record of Willie Marshall: "52,261, Willie Marshall, two years, from Boston"—or at least "two," which means their years of age. "Boston, June 14, 1877," "2," which means years of age, "B," which means born in Boston, "parents Hannah Eliza O'Connors and Hiram Smith; a ward of Mrs. Warner's."

GOV. BUTLER. Go on.

MR. BROWN. "Discharged the 14th of June, 1877," the same day that it was entered.

Now, His Excellency called Mr. Fairbanks on the subject of these books; and Mr. Fairbanks, who is a lawyer, an expert in handwriting, an expert in book-keeping, who can tell you when he looks at a paper how old it is, just as a horse-jockey looks in the mouth of a horse, and is able to tell you when he was born—he testified in regard to these books. He charged us with feeding in the institution sixty inmates, borne on the register of the institution, who were not there, and whose feed in some way we were stealing; and that, His Excellency asked you to infer, was the way in which we were covering up some of the delinquencies of the institution. Of those sixty, *twenty* were *rejoicing in good health at the institution at the very hour when he was giving testimony*. I have here their names and their register numbers. This appeared in evidence. Of the sixty, the discharge-books show *that twelve had already been discharged*. He looked at the register, and *didn't look at the discharge-book*. An expert! Twelve of the sixty; that *making thirty-two out of sixty*. We accounted for twenty that were living in the institution, and twelve were reported as having been discharged and were discharged. Eight of them were reported as absconded on the register from which he took the figures—the very register, *the very book*. Seven of them, and seven only, had absconded and had not been reported. Five out of sixty had been discharged, and the books showed they had been discharged. Six were standing "on liberty," having gone out of the institution, it being undecided whether they might not return immediately, and no entry had been made upon the books. Two, whereabouts unknown, probably absconded. So that this expert charged us with supporting sixty inmates not in the institution, and *forty-five* of them were accounted

for upon the books. And of sixty only fifteen *were unaccounted* for. Only fifteen in twenty-five years. The committee must recollect this record extended over twenty-five years. In twenty-five years there were only fifteen persons for whom there had ever been drawn a ration, who were not there to eat it. In other words, this expert in book-keeping made forty-five mistakes out of sixty statements, — forty-five mistakes out of sixty statements! — mistakes which he should have corrected if he had had the perseverance or the honesty to have looked there into the books, or to have looked at reports of the institution sent here to this State House, showing the number of inmates present on the day when the board of health, lunacy and charity took possession.

This same *expert in mistakes* goes to another subject and that is the inmates' cash. And he reported to this committee fifty-four cases; only fifty-four out of three thousand six hundred entries. The books devoted to keeping inmates' cash, cash memorandum books, were three in number. The first was an old book, not in the handwriting of Charles Marsh. The second was numbered one and not in the handwriting of Charles Marsh. Mr. Fairbanks said he could not find an entry in that book that he was willing to swear to. The third was entirely in the handwriting of Charles Marsh. He took occasion to make the reservation afterwards that he did not examine the first book and that was not included in his early testimony. There are twenty-six hundred names on the last two books which he did examine, and from which he selected these fifty-four instances. Now, I am not going to take the time of this committee in going over in detail each one of these cases. There are three cases which stand out prominently, — the case of Ellen Allen, the case of Ludwig, and the case of Johnson. Now, this was simply a memorandum book and nothing else. Mr. Marsh told you how he kept it. Gentlemen, if any member of your committee can think of any manner in which that book could be kept with greater safety to the institution and its officers, and with more security to the inmates, I should be very glad to hear it. Remarkable it is, gentlemen, that out of thirty-six hundred inmates who had cash which was handled at this institution, only two have been found who could come here and make complaint. Two out of thirty-six hundred.

Now let us take the case of Ellen Allen. First, did Ellen Allen have any money when she went to this institution? That

is the first thing to be settled, because if she never had any she never should have been credited with any. Well, Richard Morey, a boy, who was a minor when the transaction took place, comes here and tells you that, sitting at his father's fireside one evening in 1877, he overheard his father and mother discussing the subject of the amount of money which the sister, Mrs. Ellen Allen, had. The subject under discussion was this: She was going to Tewksbury; he heard something mentioned about \$150, and he came here to tell you that Ellen Allen had \$150. He didn't know anything about it. There is no tribunal in this Commonwealth that would ever have received that in evidence; not one. He heard that conversation between his father and his mother. On his direct examination he led you to believe that Ellen Allen was present. Subsequently, if I remember correctly, it turned out that Ellen Allen was upstairs. No officer of this institution was present. All there was of this matter was hearsay evidence — every syllable of it; they might have been talking about something else. They might have been talking that night in regard to the amount of the mortgage on his father's house as it then existed. The evidence shows there was a mortgage on it. But look at it. That is taken as testimony. And then she is credited with a dollar, and they say we have stolen \$149. And after this book has been in this State House for three months, examined in the first instance with great care by Mr. Fairbanks, and I put the question to him as to whether there was anything else about any of these entries that he discovered, that he wanted to testify about, and he said there was not, they discovered that there was a yellow stain on that entry, and they bring a chemist in here to say that that entry had been touched by acid. I offered to show that no stain existed on that entry when it came to this State House; and that was excluded for want of time. Now, what is the evidence on the other side? Why, Mr. Haskell, one of the overseers of the poor in the town of Gloucester, at the very hour almost,—on the same day, or the day after,—when that conversation took place, this man Morey, the father of the witness, the brother of Ellen Allen, was an applicant to him for aid to his sister. In other words, he wanted to get the city of Gloucester to take Ellen Allen and support her. Mr. Haskell looked into it, and found she had no settlement in Gloucester, and he told Mr. Morey that he would have to take her to Tewksbury. And the overseers of the poor of

city of Gloucester paid Mr. Morey five dollars to transport Ellen Allen to Tewksbury. And then the committee allowed me to put in—because they had allowed Richard Morey to testify—they allowed me to put in a conversation between the old man Morey and Mr. Haskell, which was in substance this: that he didn't know of any money she had. She had some dresses and some jewelry,—nothing said about the value,—but he didn't know of any money she had, except he had heard that in Gloucester, before she went away, she sent somebody down town to change a fifty-dollar bill. Well, if there is any member of this committee that would charge his neighbors with one-tenth of a cent on that evidence, I think *his neighbors* are in a very insecure situation.

Now take the next case; that of Ludwig. Ludwig went to the institution, he says, with \$37. He is credited with \$3.77. and His Excellency said that was one of a great number of instances where the real sum had been divided by ten. Well, I pity the clients of His Excellency if the division by ten of thirty-seven leaves 3.77. But that is the only instance he found. He never found any other, never mentioned any other—never, if I recollect right, and I think I do. It is like the *promise four times made* on the record in regard to the treatment of bodies at Harvard College, that he would connect it with Tewksbury; but he never did. He could not. Why, he hadn't the courage to renew his application to show you that Eklund ever went to Harvard College, because he knew that the burial book of the institution showed that Eklund died on the 3d of August, 1879, and *was buried*. And he didn't dare to open the grave or to make application for the opening of the grave. And upon the evidence to-day Eklund is there in his grave, and there is no evidence before this committee that this piece of *skin was not made up for this occasion*; it is not accounted for in any way, shape or manner; it is thrown in here, like five or six other pieces, *to be interred hereafter with proper ceremony*, at least what remains after a *proper distribution as souvenirs* among the friends of His Excellency.

Now I come to another subject. Or, rather, I should say this: Mr. Fairbanks, finding fifty-four inaccuracies in the inmates' cash-book, says that he didn't make thirty-six mistakes. I will submit the record to any man that can read, and see if he does not, on comparison of the books with Mr. Fair-

banks' testimony, find thirty mistakes, thirty *egregious blunders*. In *seven* of the cases where the money is charged as having been embezzled, it is recorded *on the cash-book as having been paid into the treasury of the Commonwealth*. There are thirty out of fifty-four, — and I have made a tabulated statement of the testimony on both sides, every syllable of it, — there are thirty inexcusable mistakes out of fifty-four, and there cannot be any escape from it. Why, that man imagined he saw an ink-mark where none ever existed; and in two instances the record shows that as I walked around on the other side and put that glass on to it the man wavered, and then on cross-examination he admitted he had made a mistake; two instances on the record which I have tabulated here. Thirty mistakes out of fifty-four! He is an expert in mistakes. He is as bad as Agnes Calder.

Now there is another matter you are to consider, gentlemen, in making up your report as to whether this man Charles Marsh, or any officer of this institution, embezzled this money. If they embezzled the money, you must find a motive. It is very easy to find a motive for the embezzlement of money. Money is something we all need and can all use, and it is easy to find a motive. Now when you have found a motive you want to go one step further and you want to ask whether this is the performance of an idiot or a knave. Well, it must have been the performance of an idiot, if there was any dishonest purpose, for seventeen out of these fifty-four cases are cases where people *have absconded*; and the Lord only knows but they might have turned up fifteen minutes after the entry had been made and the money stolen. What a risk a man would take! Would an honest man or any man less than a fool take the responsibility of stealing money from seventeen absconded individuals who are likely to turn up at any moment? Can you imagine such a thing? Why, the dead can never come back. A man who had that opportunity, if he was a knave, would steal from the dead, wouldn't he?

Seven or eight of these men had been discharged; regularly discharged. Where were they? Ellen Allen died; Ludwig was discharged; and when he was discharged his money, \$2.10, was put into the hands of Mr. Doane, who says he saw it, or at least he saw that he had a small amount of money. Mr. Doane paid the fare of Ludwig, because the amount of money he had

was so small that he didn't think he ought to decimate it any further. Ludwig never complained to Doane when he left the institution; he came to Boston, and took his gratuitous ticket for his home and never opened his head, either at the institution or at the office below, that he had been defrauded out of any money.

In the case of Johnson the facts are even more remarkable. He went to the city hospital—he was the man who had his legs cut off—in Boston, and remained there sometime before he ever called for his money. He went to the hospital to have an amputation performed before he ever called for his money. He called for it from time to time at the institution, generally through a nurse whose name was given; Charles Marsh said he did not see him; the entry was in Charles Marsh's handwriting. Now, after Charles Marsh so testified, why did they not produce the nurse to see whether it is true? The evidence has been met, and nothing has been said in reply except that there was a stain found. No claim was made that any misappropriation of money had taken place until this investigation began. Why wasn't some person put on besides Johnson and Ludwig?

Gov. BUTLER. The stain was there, but it was made legible.

Mr. BROWN. And your expert said there was another stain, and in another case the original entry was less than the one you said existed; it had been written over it showing that Mr. Marsh had given the man a dollar when he made the change, if he did it for a purpose.

Now, why, out of 3,600 persons, scattered about this Commonwealth and throughout the country, is not some one else brought here? Don't they know of this proceeding? Is there anybody on the face of this earth that hasn't heard of it? Two persons only out of 3,600 come here to make complaint.

Again, it is said that this institution is mismanaged, because the law in regard to the disposition of the dead has been violated. We are told that the manner in which we have done this business is illegal. What is the evidence of it? Let us see. We have had a law on the statute books since 1814 in regard to this subject. In that year the legislature passed a law which in substance prohibited the removal or carrying away of anybody without authority of the board of health, and under that inhibition it was understood that no body could be used or taken for anatomical purposes.

From 1814 to 1830, sixteen years, the great necessities of

the medical profession, the great benefit to the sick, the benevolent advantage which education derived and acquired from the dissecting-room would give to the profession, were fully discussed, and in 1830 the legislature of Massachusetts passed its first law upon the subject, which provided that bodies which required to be buried at the public expense, and strangers and travellers unidentified, might be, by the board of health, overseers of the poor, selectmen of towns, &c., delivered to physicians, medical schools, &c., for the promotion of anatomical science. All that was required was, that this business should be so conducted as not to offend public sentiment. That law remained upon the statute book until 1834, when it was modified so that a person who should ask, during his last sickness, that his body be buried, could not be used for anatomical purposes. Then, in 1845, the law was again changed. In 1855 another change was made, one year, mark you, after the establishment of this institution — by which there was inserted the provision that the superintendent of the *state almshouse* may do this, he not having been previously included, there having been no occasion to include him in previous legislation. That law was continued until 1881, when there was considerable discussion about it, and it was finally re-enacted and embodied in the Public Statutes.

This is not a new matter in Massachusetts. The tanning of human skins isn't new in Massachusetts. It is done all over this country and all over the world. Anybody who visited the Centennial Exhibition could have found many specimens of human skins tanned and worked into valises, &c. I believe the largest exhibition came from Germany.

Gov. BUTLER. Wasn't it France?

Mr. BROWN. Possibly. The following States of this Union have enacted the Massachusetts law almost word for word: New Hampshire, Connecticut, New York, Pennsylvania, Indiana, Illinois, Michigan, Minnesota, Wisconsin, Missouri, Iowa, Arkansas, Kansas, Colorado, California and Oregon. Bodies of convicts only may be dissected in Maine, New Jersey, Maryland, Alabama, Tennessee, Nebraska. In Vermont any man may, who can get a body anywhere lawfully, by gift or in any other way, can use it just as he sees fit; there isn't any prohibition whatever. In all the other States of the Union there is an entire absence of legislation, and what is done I am not advised.

There is no doubt that these bodies were delivered to Harvard and other medical colleges, and there is no doubt but that bonds were given by these institutions. Whether the bonds were sufficient, whether His Excellency, with all his ability as a lawyer, could not find some flaw in one of those bonds, isn't a question which you are to consider. If the people of this Commonwealth intend to devote to anatomical uses the bodies of the dead who are unknown, who do not when living request burial, — if they do not intend to devote such bodies to the interest of science for the benefit of the race, I think that this committee, finding that these people acted in good faith, will give them credit for it; and that is all we ask. But when His Excellency stands here and says that every man who has had to do with this business is liable to indictment; that he is going to see that the law is executed, and then tells this committee that if a man does furnish it will do him no harm, the proposition is absurd; it hardly seems possible it could have been made at the time it was made, except for the purpose of gaining some temporary advantage.

Now, then, the Chases, John and Joseph his son, the first on page 25 and the second on page 256, have testified in regard to the manner in which this business was done. Read the testimony of John Henry carefully, and beyond the single statement that in one coffin there was a billet of wood where a child had gone for dissection, you cannot find a syllable which can be interpreted in any way so that a reasonable person could take offence. He tells you that he dug up two bodies, and two only, during all the time he was there, which were sent away; but he doesn't tell you they were sent to Harvard College; not at all. Not a word was said about their going to Harvard College; and it did appear that many were taken up and delivered to friends.

There was something singular about that case of Parks. That grave had a cross at the head of it, on which was written legibly, Joseph Parks, October 4, 1879; perfectly plain, and Chase put it there; he said it was in his handwriting. Mr. Innis testified simply to the matter of opening the grave of Parks; and yet, the day before Innis went there, Chase went up to find the grave, and notwithstanding he found it, and the cross was there, he went to a tree and cut off a twig and stuck it in the grave, so that he would know it when he came again. Why, you would naturally ask, if the cross was there and the grave marked with a name, why put down a twig? Perhaps he

was so drunk that he could not read the name, but could feel a twig. And then the next day, after having marked the grave, he took Mr. Innis up there, and they opened and found that coffin, which, I understand, has since contributed to the warming of the executive department.

Mrs. Manning, a peculiar, old-maidish sort of a woman, testified in her peculiar way. She was a good deal disturbed; she had never met His Excellency before, and didn't know how genial he was when you get at him, and, consequently, she was a good deal discomfited. With that exception, she appeared to be an excellent woman. She was honest enough to say she was carrying on the business, although she didn't know what was in the coffin.

Now, Mr. Hall. I want to call your attention to one subject in connection with Mr. Hall and Mr. Chase. The two Chases and Hall corroborate all the witnesses in regard to the Harvard medical college. Chase says he never knew but one or two babies to be sent to the Harvard Medical School. Mr. Hall says that none were sent, except during the last part of the time when he was at the institution. Then he testifies in regard to the money he received for his labor, and there was an insinuation about that receipt which he gave; he denied first the amount of money, and then afterwards corrected himself. There was an insinuation that the receipt was written in three different kinds of ink, which turned out to be false, like all the other insinuations we have had.

This whole business, gentlemen, was the subject of investigation by the board of trustees. In September, 1882, the trustees called upon Mr. Marsh, Jr., who had been charged with this work from the 1st of October, 1873. They had consulted with him from time to time, but then they called upon him for a specific report in writing covering the whole business. He had kept memoranda in certain books, which contained the register number and name of the person, the date of his death, and where the body was sent. Mr. Nourse having received that —

Gov. BUTLER. I must object to that. There is no such testimony.

Mr. BROWN. I beg pardon. You will find it in the testimony of Mr. Nourse, who said he took those books in the presence of the four trustees, examined and corrected them by the record which Marsh had made; and the record of the trustees shows that on the 25th of January, 1883, that report

had been received from Thomas J. Marsh, Jr., and by them was placed on file. I offered the report; put it into the hands of His Excellency, who examined it and afterwards objected to its being in evidence; but the committee voted that it should go into the hands of the chairman, where it now remains, and any time His Excellency wants it published it can be done. I do not object to it, nor do my clients object to its publication, nor to any other use you want to make of it. But Mr. Marsh refused to produce the books. I offered him as a witness after his refusal, and His Excellency objected, because he said he was in contempt; the committee sustained the objection, and suspended the matter until it was too late, so he did not testify. And that remarkable cross-examination, which for four months we have been told would take place if Tom Marsh went on the stand, did not take place. The play was played, but there was no Hamlet. The whole conduct of Mr. Marsh, Jr., has been reviewed by the trustees, and has never been impeached — there is not a syllable of evidence to impeach it, nor can it be impeached on this evidence, because I know His Excellency, whatever he may say about it, took great care not to ask any witness the number of bodies delivered from October 1st, 1873, to October 1st, 1882. When Dr. Talbot was on the stand he testified that all they had was 148, but he wasn't asked how many of the 148 were received prior to the first day of October, 1882; and yet His Excellency claimed he wanted to get all the data for the purpose of verifying this account. He may claim on some evidence that there were 585 bodies delivered. There is no doubt about it. I think the record of March 23, 1880, shows that on that day Thomas J. Marsh, Jr., made a supplemental report, which was received and placed on file, covering the bodies delivered from the 1st of October, 1882, up to that time. That wasn't any part of the 585, nor did His Excellency ever ask for it, but he may have it if he asks for it; it is in the hands of the chairman, or if not it will be. His Excellency never intended to examine Thomas J. Marsh, Jr., — never. I think His Excellency's great ability, and that most remarkable ingenuity for which he has had the reputation for being the chief for 40 years, was never better shown than when he beguiled this committee, or the majority of them, into the notion that a man who has never been summoned as a witness may be in contempt, because he doesn't do what the committee have ordered him to do. The proposition was so

absurd that only 40 odd Democrats out of the 90 odd in the House sustained it. There wasn't 50 per cent. of His Excellency's own party who could see anything in it. The people are very apt to come to the same conclusion when they think alike concerning the Republic. His Excellency laughs; he ought to; he played the most consummate joke on the majority of this committee that was ever perpetrated within my knowledge, and it was all because he didn't dare to face Thomas J. Marsh, Jr.,— nothing else.

Well, now, who is Thomas J. Marsh, Jr.? His Excellency has taken care to say a great many times that he has been reported as a licentious person; that he has been doing this, and that, and the other. Any evidence of it? Not a bit. Why, in 1876, an officer of the board of charities addressed a long epistle—I think the governor will agree with me when I say that officer had a great liking for long epistles—to the gentleman who then occupied the chair of His Excellency, preferring certain charges against Thomas J. Marsh, Jr., not of his own knowledge, but he mentioned three prostitutes who had so reported. The inspectors or trustees investigated and made a report, that letter having been referred to them by the governor. They made a report to the governor denying the whole thing; they said, in substance, there was no evidence of the truth of the charge; and the governor reported back that that was very satisfactory. Gentlemen, you are not going to sit here and say Gov. Rice is not a careful man. He certainly enjoys the reputation of being a good, successful business man. You are not going to sit here and say he whitewashed that matter. But His Excellency finds fault because the trustees didn't spend more time in the investigation. Why should they? Why, if one of His Excellency's trusted clerks down below should be charged by three strumpets with being a licentious person, that clerk having been in his employ fifteen years and he having almost absolute confidence in him, the first thing His Excellency would do, if they were within reach, would be to kick them out of doors; he wouldn't spend the time those trustees did investigating the complaint against Mr. Marsh.

Then something has been said about an empty coffin, and we have accounted for that. In the name of reason what should the superintendent of this almshouse do with a rough coffin which had lain in the grave for a longer or shorter period and contained a human body, when the friends came for it? Is the

Commonwealth so economical that it requires its officer to purify that box and use it again? Or must it be taken, in the interest of *economy and reform*, to be burned as firewood? Or is it the sensible and proper and natural thing which a man would do to put it back in the grave, as two or three witnesses said was done. There has been no contradiction of it, not a syllable. Mr. Chairman, I challenge any member of the committee to put his finger on a single instance where a body which went into a grave was taken up and sent to a medical school. The only approach to it was the case of Parks, testified to by Mr. Chase. I had but one witness who could meet the case of Parks, and that was Thomas Marsh, Jr., and you know the history of that transaction, how it was not permitted him to testify. With the exception of Parks, not a single other body ever went into a grave and came out and went to a medical school.

But Chase was discharged for drunkenness and disobedience. Marsh had known him as a boy in the Sabbath school, took pity on him although he knew he was an intemperate man, and tried him. After a while he got drunk and was reprimanded. Then the old man Marsh used his influence with the trustees to have him retained, but the second and third time he got so intoxicated that he could not attend to his business. They had to discharge him, and from that time to the present his mouth has been filled with slander, and his stomach a good portion of the time with rum. It was pretty well filled when he was on the witness-stand.

Thomas J. Marsh, Jr., has been in the employ of that board for twenty-two years, — sixteen years when this thing took place. Mr. Nourse and all the other officers of the institution had the most implicit confidence in him. When this communication came, in which three notorious prostitutes, who were named, were stated to have made charges against him, they went to him and consulted with him; they found from his appearance and his surroundings (living with his wife and family), that there was not the slightest foundation for the charge, and they so reported; and the officer who made that complaint, for these seven years has been absolutely silent; has never reiterated the charge, or intimated to anybody that that the report was not satisfactory. Has he? He probably, from the sense of honor with which he is known to be possessed, felt ashamed; and that accounts for the fact that for a series of

years he has co-operated with the Marsh family in the management of this institution. That is all there is against Thomas J. Marsh, Jr.; everything. And yet he has been slandered here without the slightest scintilla of evidence. No inmate, no attendant, no officer, no outsider ever called to cast one single breath on his character; not one. I challenge you to point your finger to a syllable of such evidence, except what is contained in that letter and the reply; not one.

I need not say, Mr. Chairman, that in the prosecution of this defence I have been obliged to invoke assistance. I believe that His Excellency has had at his command some ten or twelve police officers under pay of the Commonwealth. I have yet to know that Mr. Moses Sargent, who is a citizen of this Commonwealth and has been for years, a man well known in the public service of our great banking institutions as a most successful and trustworthy officer, has done anything which has not been strictly in accordance with his duty, in the interest of the prosecution of this defence, upon the principle which I announced at the outside, that everything known to us would be unfolded. He went to Mrs. Warner undoubtedly; I admit it. When he found that Mrs. Warner would lie to the extent of saying that a child, which wasn't in the institution a day, had been there fourteen days, he did tell her he didn't want anything to do with her. As an honest man he could not do anything else.

There is one subject to which I want to call the attention of this committee, and that is the matter of these old clothes. Why, two of the governor's witnesses — the two clothes-dealers, — testified that the clothes they bought of the women were the clothes of the women of the family, — nobody's else. Disappointed His Excellency was in that, I have no doubt. Then Miss Pope says she saw Mrs. Marsh in the baggage-room. Mrs. Thomas says she saw Mrs. Marsh in the baggage-room with an armful of clothing. Well, what of it? Mrs. Marsh was the matron; she had a right to be everywhere. We met that as carefully and fairly as could possibly be asked of us. But you say a box that went to Exeter. This man Manning was on his death-bed. You will see at the very time he has had that door drawn to look through the crevice in the partition wall, there wasn't any door from that corridor into the vestibule into which he took that box. I think the committee have in their minds a little sketch made upon white paper, upon which Mr. Dudley put his

initials, that showed where he left it. In order to get that box through that door it must go through a solid partition. Where is the crevice? Where is Carrigan, who searched all the depots, ransacked all the files of the Boston & Maine and Lowell roads?

Gov. BUTLER. I must object. So far as I am concerned I don't care; but I do not like to have any man abused here who has nothing to do with it. You may say what you please of me.

Mr. BROWN. I will change it: All the files were accessible to you and Mr. Innis, and you haven't brought in a receipt; and you haven't brought in anything except the mere pittance of personal furniture and the barrels of apples.

The CHAIRMAN. Two barrels; let's have it right.

Mr. BROWN. Two barrels; and those apples grew in a year when apples were worthless, and the trustees said Mr. Marsh might send off those barrels.

The old-clothes business is simply ridiculous. Because it is true that all these things went away from Tewksbury to other places, His Excellency had all the files and receipts of the railroad and express companies examined, and none were brought in here except those referred to.

There is one other subject to which I want to refer and then I propose to close. The old gentleman Marsh, whom His Excellency says is honest, he has administered this institution for 25 years, handling two millions of dollars, superintending the erection of all these buildings except the main one, built in 1854; he has dealt in the matter of permanent supplies, including clothing, with 6,137 purchasers; he has made purchases of food aggregating over half a million dollars; these parties are within the reach of His Excellency's subpoena, yet not one comes here. The firm of Bangs & Horton say they made a mistake in charging to Marsh personally the coal that went to the institution. It was paid with the superintendent's check, but the testimony is uncontradicted that it went to the institution.

But they say Marsh supported his family at Exeter. He helped them. I wonder if a man hasn't a right to help his daughter and grandchildren. Anybody deny that? But what evidence is there that a single penny of the Commonwealth's money went to the support of that family? I leave Mr. Marsh with that reputation which this committee and this community will accord to him after 25 years of public service, during which no man in the Commonwealth so carefully and so fully ap-

preciated the exigencies of a great institution, and the needs of the deserving poor placed under his charge.

Now, gentlemen, I want, in the few minutes left to me, —

Gov. BUTLER. You haven't any left by my watch.

Mr. BROWN. I have by my watch. You cannot cut me off.

The CHAIRMAN. Seven minutes.

Gov. BUTLER. I don't mean to. You may go as long as you mean to.

Mr. BROWN. There is one other subject I want to call attention to. His Excellency began years ago to assault this institution; for what purpose I know not; and if I knew I should not mention it. His Excellency says he can run this institution for fifty or seventy thousand dollars. God save the Commonwealth of Massachusetts and its poor.

This institution has never been properly supported by the people of this Commonwealth. Why the people who were born, or descended from those who once lived in Ireland, who fled from the misery and tyranny of the rule of Great Britain, who thronged this institution and made more than fifty per cent. of its inmates, should ever stand up in any public place and say that this institution is too prodigally supported, is something I cannot understand. This institution needs \$25,000 a year more than it has ever had. This year you appropriated \$90,000. The first six months found you having spent nearly \$44,000 of that amount, and during the last two months of that six, the expenditure was vastly in excess of either of the previous four months, and on the 1st of July the amount of unpaid bills exceeded several thousand as you can learn by going to the auditor's office. So that had the account been squared on the first day of July it would have been seen that the amount expended at the institution during the first six months of the year would have been considerably in excess of the appropriation.

I am permitted to read and desire to make as a part of this argument a portion of a private letter, which aptly sets out the necessities of this institution.

Mrs. Leonard says: —

"The room for storage is inadequate and primitive in an absurd degree; the storehouse, too, is like the poorest kind of country grocery, very different from the convenient rooms with shelves, cup-

boards, etc., in all our other institutions; meals are sent round the large quadrangle in tin pails, borne by decrepit old men, when a little tramway and cars are used in the State hospital, with elevators when needed. Trees should be planted, turf substituted for cobblestones in the yard; most of all, hospital kitchens, rooms for isolating delirium tremens and infectious classes; in short, various hospital appliances, easy and wheeled chairs, sofas of some cheap sort, both in the hospitals and insane departments. A feeble, sick person must now be in bed all the time or sit up on a hard wooden chair. I was pained to see the suffering caused by want of change of position to the sick. In our lunatic hospitals all sorts of comforts are at hand for the sick and dying. Tewksbury has only a straw bed, coarse and clean, it is true, and the cheapest wooden chairs. And this is because the State makes too small an appropriation; \$10,000 ought to be spent there in making room for stores, railway, hospital kitchen, easier seats for sick, old and insane. And these things are not luxurious, but necessities to the care of the infirm. Many sick and lame would recover faster if able to take the air in wheeled chairs. The attendants (female) are first-class now, but too few. Male attendance is now good, but too few also. The accommodations of food and lodging for officers and attendants is plain and reasonably comfortable, no more. Respectable people would not work anywhere for less comfort. Captain Marsh's table has plain, well-cooked fare, not by any means such fare as our more prosperous classes are accustomed to have, but good enough and neatly served. I think Mrs. Marsh is an excellent housekeeper even now at her age. The furniture, too, is plain and comfortable, no more."

Mr. Chairman, if the people of this Commonwealth understand what this institution is, and the manner in which its character has been changed since it was first organized, the manner in which it has been changed since 1862, they will very soon realize that the necessities of this institution will require that this legislature, or some other in the immediate future, shall, — not dictated by party policy, but from pure, disinterested, benevolent motives, — take and expend on it in the various ways indicated by Mrs. Leonard, every dollar which she has there named, and not until that is done will there ever cease to be the same agitation, the same discussion, and the same complaint and fault-finding, limited though it may be in degree, which have existed here, and perhaps for a series of years have had some foundation.

Massachusetts will then continue to remain in the position which she has always occupied, celebrated all over the world for

the administration of her public charitable institutions and for the spirit of benevolence which everywhere animates her people.

I thank the committee for their attention.

The CHAIRMAN. Two o'clock, Governor?

Gov. BUTLER. Will the committee proceed promptly at 2 o'clock?

The CHAIRMAN. I think they will.

A recess was taken till 2 P.M.

Boston Public Library
Central Library, Copley Square

Division of
Reference and Research Services

The Date Due Card in the pocket indicates the date on or before which this book should be returned to the Library.

Please do not remove cards from this pocket.

(Dec., 1888, 20,000)

BOSTON PUBLIC LIBRARY.

One volume allowed at a time, and obtained only by card; to be kept 14 days (or seven days in the case of fiction and juvenile books published within one year) without fine; not to be renewed; to be reclaimed by messenger after 21 days, who will collect 20 cents besides fine of 2 cents a day, including Sunday and holidays; not to be lent out of the borrower's household, and not to be transferred; to be returned at this Hall.

Borrowers finding this book mutilated or unwarrantably defaced, are expected to report it; and also any undue delay in the delivery of books.

**No claim can be established because of the failure of any notice, to or from the Library, through the mail.

The record below must not be made or altered by borrower.



